

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF NEW MEXICO**

Petition for Revocation of Supervised Release

Name of Offender:	Alexis Avila
Docket Number:	1084 5:19CR00851 -007RB
Assigned Judge:	Honorable Robert C. Brack, Senior United States District Judge
Date of Original Sentence:	12/02/2020
Original Offense:	21 U.S.C. 846: Conspiracy, to wit: Distribute 50 Grams and More of a Mixture and Substance Containing a Detectable Amount of Methamphetamine
Original Sentence:	BOP: 60 months; TSR: 4 years
Date Supervision Commenced:	07/05/2023
Date Supervision Expires:	07/04/2027
Other Court Action:	08/18/2023: Request for modifying the conditions or term of supervision with the consent of the offender submitted to the Court to include mental health treatment, waiver of confidentiality, and taking mental health medications as prescribed. 08/29/2023: Conditions ordered by the Court. 06/26/2024: Report on Offender Under Supervision filed with the court due to testing positive for being in possession of marijuana and testing positive for marijuana and cocaine. 07/01/2024: No court action.

PETITIONING THE COURT

No warrant requested. Emergency warrant issued.

U.S. Probation Officer of the Court, Alicia Garibay, alleges the defendant has violated the following condition(s) of supervised release.

<i>Violation Type</i>	<i>Nature of Noncompliance</i>
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MC	You must not unlawfully possess a controlled substance.
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On April 16, 2025, during a home visit at the defendant's reported address of 1693 Ebony Ct., Las Cruces, New Mexico, United States Probation Officers discovered a bag full of marijuana.

SC	You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
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On April 16, 2025, during a home visit at the defendant's reported address of 1693 Ebony Ct., Las Cruces, New Mexico, United States Probation Officers discovered a Carl Walther P22 Handgun, a magazine loaded with 7 bullets, and a laser attached to the handgun.

MC You must refrain from any unlawful use of a controlled substance.

On March 31, 2025, the defendant provided a drug test at the United States Probation Office that returned positive for marijuana and cocaine.

SPC You must not use or possess alcohol. You may be required to submit to alcohol testing that may include urine testing, a remote alcohol testing system, and/or an alcohol monitoring technology program to determine if you have used alcohol. Testing shall not exceed more than 4 test(s) per day. You must not attempt to obstruct or tamper with the testing methods. You may be required to pay all, or a portion, of the costs of the testing.

On April 16, 2025, during a home visit at the defendant's reported address of 1693 Ebony Ct., Las Cruces, New Mexico, United States Probation Officers discovered several alcoholic beverages.

SPC You must not possess, sell, offer for sale, transport, cause to be transported, cause to affect interstate commerce, import, or export any drug paraphernalia, as defined in 21 U.S.C. 863(d).

On April 16, 2025, during a home visit at the defendant's reported address of 1693 Ebony Ct., Las Cruces, New Mexico, United States Probation Officers discovered drug paraphernalia that consisted of a glass pipe, and two marijuana grinders.

This marks the defendant's second positive drug test for illegal controlled substances since 07/05/2023. Pursuant to 18 U.S.C. 3583 (g)(4) if the defendant, as part of testing, tests positive for illegal controlled substances more than three times over the course of one year, the Court shall revoke the term of supervised release and require the defendant to serve a term of imprisonment, not to exceed the maximum term of imprisonment authorized. Pursuant to 18 U.S.C. 3563(e) and 18 U.S.C. 3583(d), sentencing provisions authorize the Court (acting in accordance with sentencing guidelines) to exempt the defendant who fails a drug test from the mandatory revocation and imprisonment provisions.

The maximum statutory penalty: 3 years imprisonment; 4 years to life supervised release. The Underlying Offense is a Class B Felony.

The revocation range of imprisonment: 4 to 10 months. Criminal History Category II. Grade C Violation.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 04/17/2025.

Submitted:

☒ Concurs

Alicia J. Garibay
U.S. Probation Officer
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Date: 04/17/2025